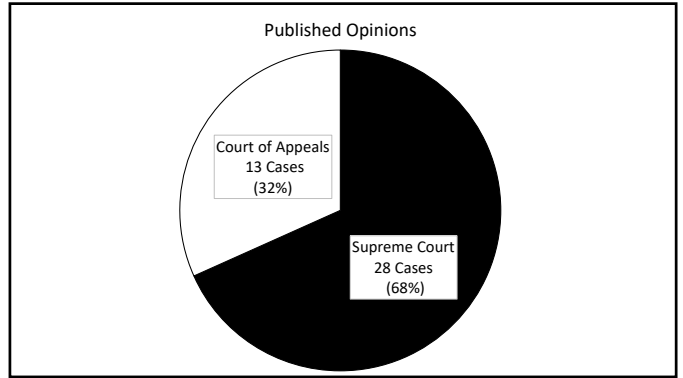
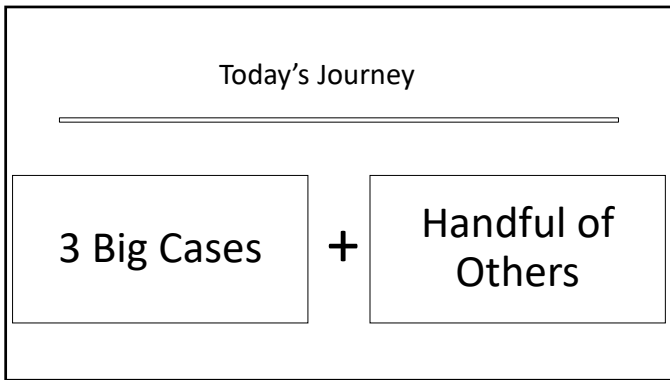




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3

1st Big Case

TPR and Out-of-State Parent Respondent

4

Personal Jurisdiction: Nonresident Parent
In re F.S.T.Y. (p. 22)

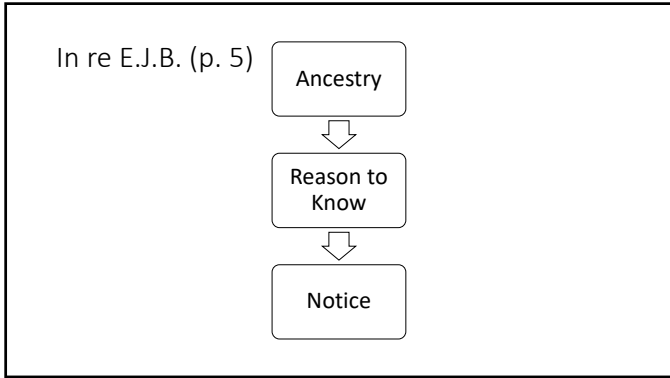
- First Impression
- Due Process
- Minimum Contacts
- Status Exception
- Overrule

5

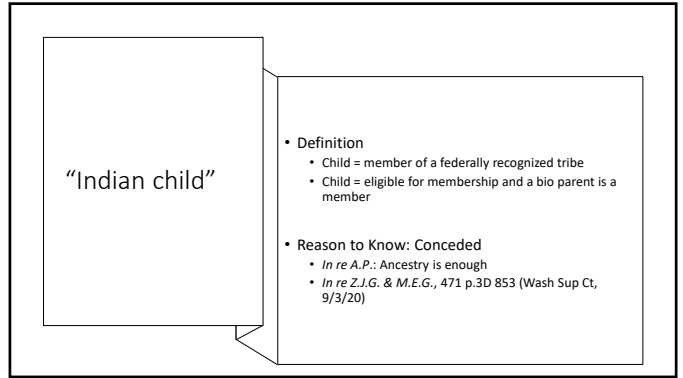
2nd Big Case

NC Supremes Address ICWA

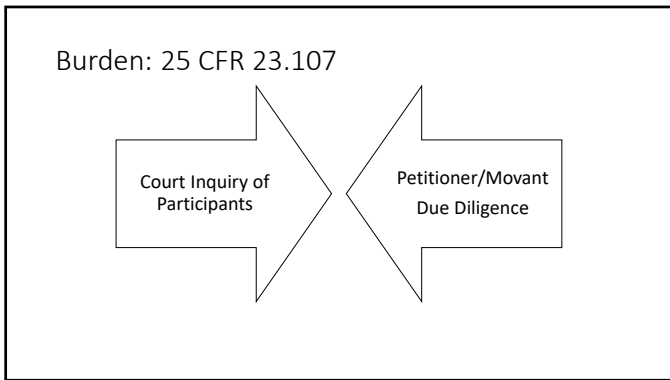
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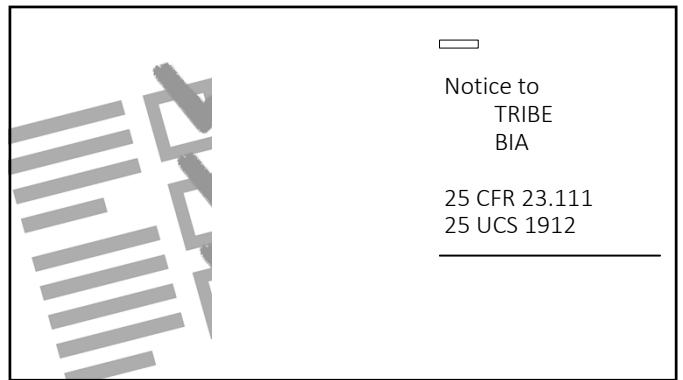
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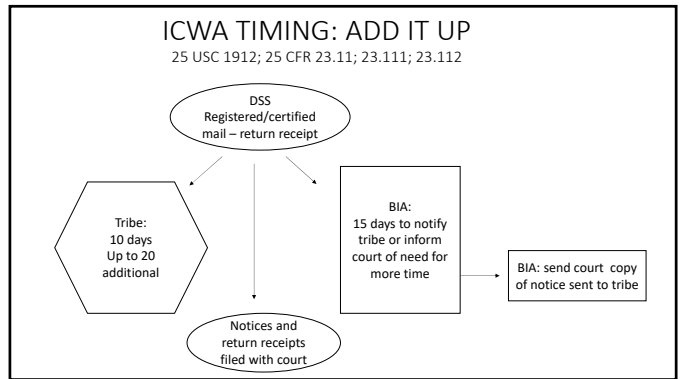
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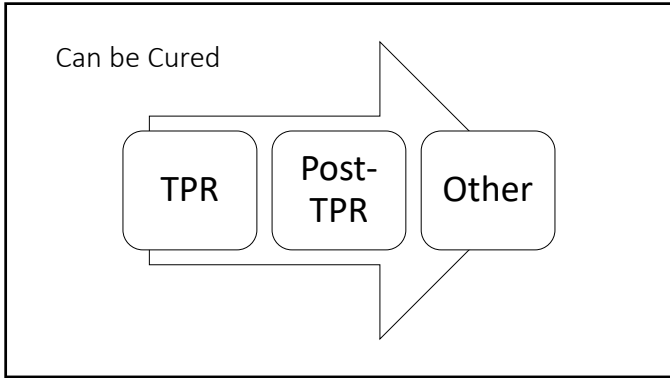
10

Fails to respond to “multiple written requests”

11



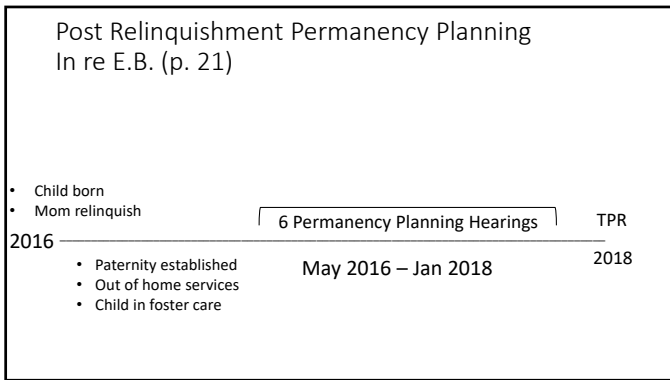
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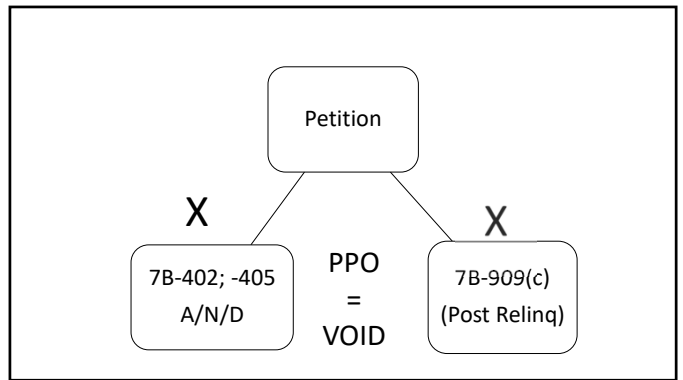
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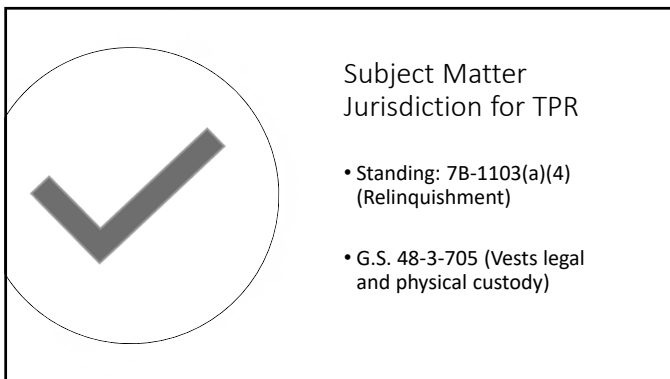
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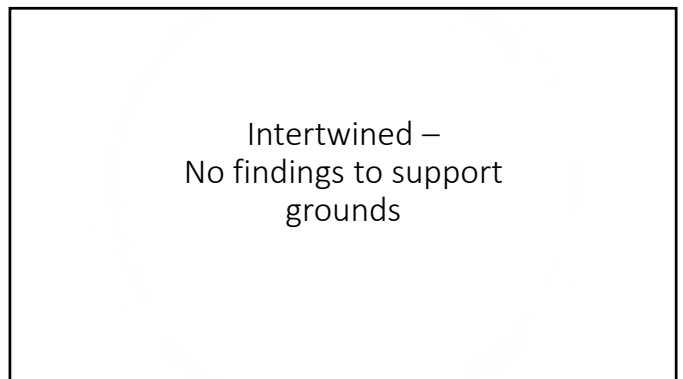
15



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17



18

Constitutional Rights Discussion

- However, until respondent was confirmed as Ella's biological parent, DSS possessed sole legal custody of Ella. See N.C.G.S. § 48-3-601, -705.

Analysis

We begin by noting that DSS's and the trial court's actions repeatedly infringed upon respondent's constitutional parental rights. "[T]he government may take a child away from his or her natural parent only upon a showing that the parent is unfit to have custody or where the parent's conduct is inconsistent with his or her constitutionally protected status." *Adams v. Tessener*, 354 N.C. 57, 62, 550 S.E.2d

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Now What?

20

A Handful of Other Cases

21

UCCJEA - Modification

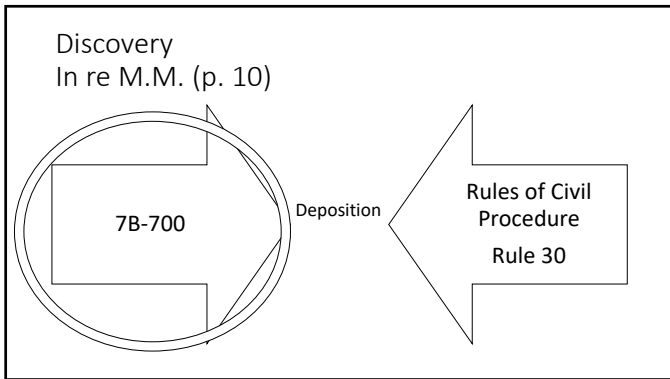
In re L.T. (p. 45)

Initial Custody Order (Delaware) | Mom (Ohio) | Dad and Child: Sept. 2016 N/D - March 2017 (North Carolina)

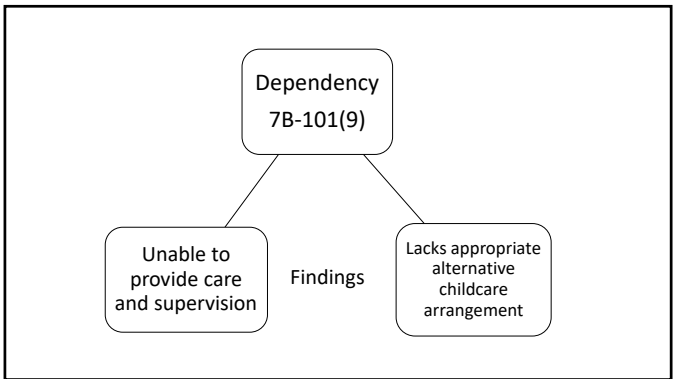
Presumption Findings vs. Record

- Continuance
- Adjudication

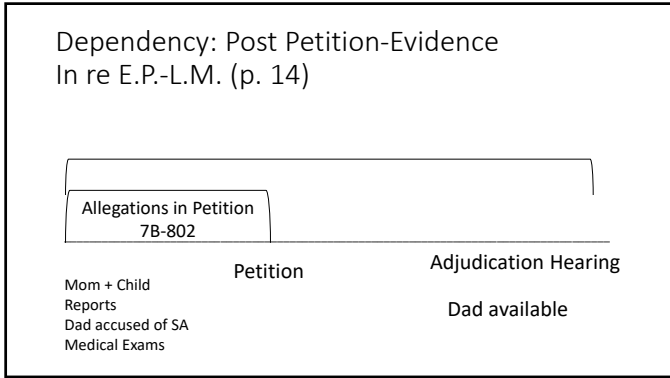
22



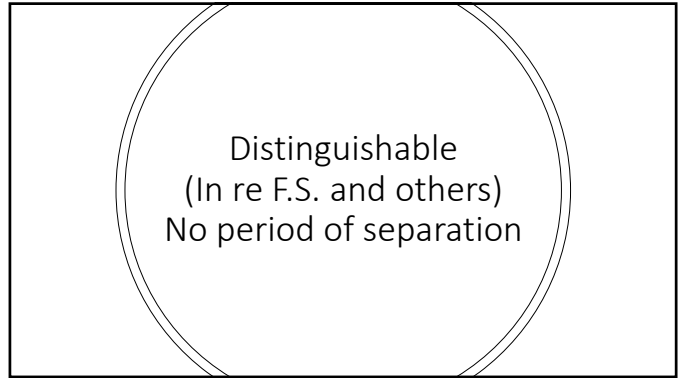
23



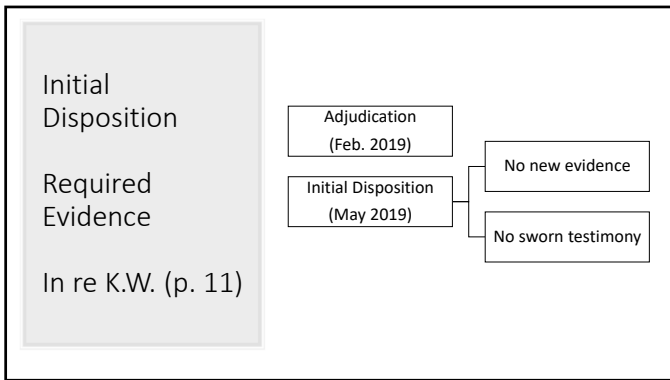
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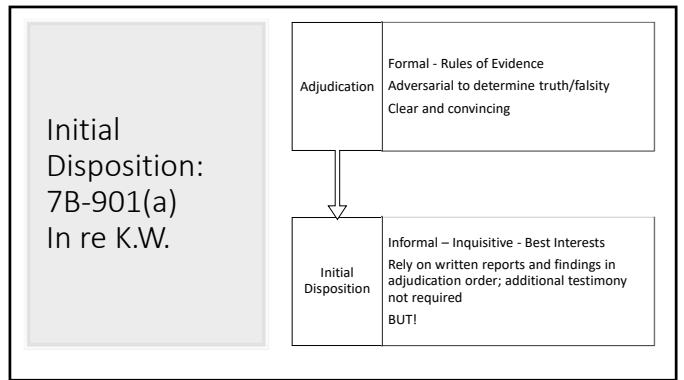
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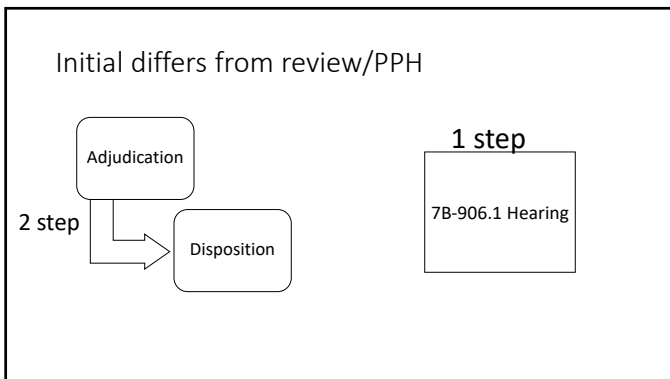
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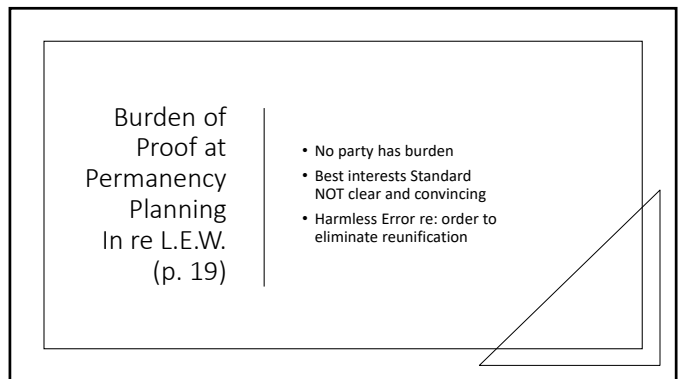
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30

Denial of TPR
In re K.R.C. (p. 25)



7B-1109 and 1110(c): findings and conclusions of existence/nonexistence of grounds alleged

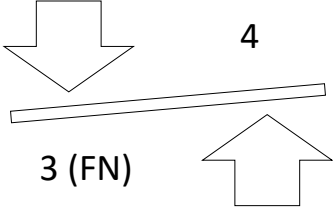


4 grounds: address each ground

Different than finding ground and being silent on others

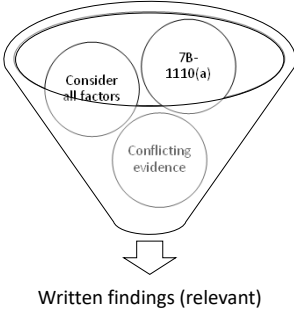
31

Remanded for findings: Failure to make reasonable progress
In re A.B.C. (p.31)



32

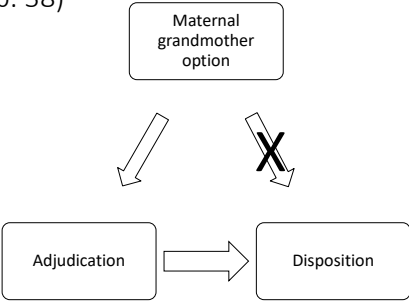
Dispositional Factors
In re E.F. (p. 38)



Written findings (relevant)

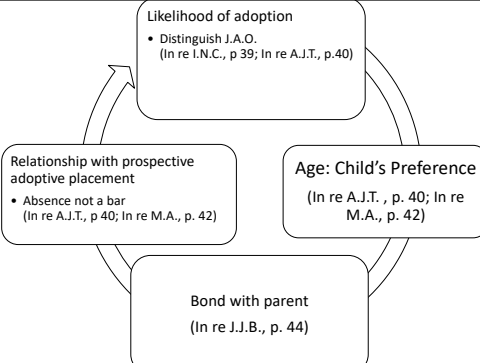
33

Dispositional Factors
In re E.F. (p. 38)



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Weighing Relevant Factors



Likelihood of adoption
• Distinguish J.A.O.
(In re I.N.C., p 39; In re A.J.T., p.40)

Relationship with prospective adoptive placement
• Absence not a bar
(In re A.J.T., p 40; In re M.A., p. 42)

Age: Child's Preference
(In re A.J.T., p. 40; In re M.A., p. 42)


Bond with parent
(In re J.J.B., p. 44)

35

Strictly comply with mandate

36

In re S.M.M. (p. 44)
Mandate = New Findings
Motion for New Evidence = Discretion
No forecast of new evidence re: BIC



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Have Some LUNCH!

Source: www.facebook.com/945thebuzz/videos/zoom-fatigue-its-now-a-thing-look-it-up/1356949921359283/

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